

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RONALD DOUGLAS COLLETT,

Plaintiff,

v.

RUSSELL, et al.,

Defendants.

Case No. [14-cv-00857-KAW](#) (PR)

**ORDER GRANTING, IN PART,
DEFENDANTS' REQUEST FOR TIME
TO FILE MOTION RE FAILURE TO
PROSECUTE**

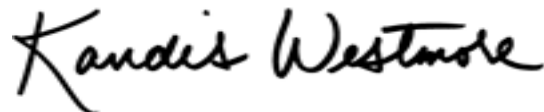
Re: Dkt. No. 38

On October 23, 2015, Defendants filed a notice that they are unable to file a dispositive motion because Plaintiff Ronald Douglas Collett was released from custody before Defendants could finish deposing him and he did not leave a forwarding address. Defendants state that they have tried, but have been unable to locate Plaintiff. They request sixty days in which to file a motion to dismiss for failure to prosecute.

Sixty days to complete a motion to dismiss based on the failure to prosecute is excessive. Defendants are granted twenty-one days from the date of this Order to file such a motion. Plaintiff's opposition is due twenty-eight days thereafter. Defendants are not required to file a reply.

IT IS SO ORDERED.

Dated: November 23, 2015



KANDIS A. WESTMORE
United States Magistrate Judge